


O'MELVENY & MYERS LLP

LOS ANGELES
CENTURY CITY
IRVINE SPECTRUM
NEWPORT BEACH
NEW YORK
SAN FRANCISCO

1650 Tysons Boulevard
McLean, Virginia 22102

TELEPHONE (703) 918-2700
FACSIMILE (703) 918-2704
INTERNET www.omm.com

SILICON VALLEY
WASHINGTON, D.C.
HONG KONG
LONDON
SHANGHAI
TOKYO

January 10, 2003

OUR FILE NUMBER
518765-189

Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW A-325
Washington, DC 20554

WRITER'S DIRECT DIAL
(703) 918-2720

WRITER'S E-MAIL ADDRESS
TROSENBERG@OMM.COM

Re: *Joint Ex Parte Notice -- WT Docket No. 00-32*
The 4.9 GHz Band Transferred from Federal Government Use

To the Secretary:

This is to provide notice that, on January 10, 2003, the Los Angeles County Sheriff's Department ("LASD"), by the undersigned, its counsel, along with Jeffrey A. Krauss, PH.D., as a representative of Microwave Radio Communications ("MRC"), as division of Vislink, Inc., met with personnel from the Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, including John J. Borkowski, Attorney, Assistant Chief, Genevieve E. Augustin, Esq., Attorney Advisor, Guy N. Benson, Attorney, Policy and Rules Branch, Timothy C. Maguire, Electronics Engineer and Gerardo J. Media, Electronics Engineer, and with Edward B. Ryder, Electronics Engineer, of the Office of Engineering and Technology, Policy and Rules Division, Spectrum Policy Branch.

Each of LASD and MRC has petitioned the FCC to reconsider the determination reached in the Second Report and Order in the above referenced proceeding that aeronautical mobile uses of the 4.9 GHz band should be prohibited in order to avoid potential interference with radio astronomy operations. LASD and MRC reiterated the positions taken in their respective prior filings.

LASD and MRC each continue to support the availability of the 4.9GHz band for aeronautical mobile uses. The parties note that the Committee on Radio Frequencies of the National Research Council and Cornell University, each of whom opposed the petitions for reconsideration, have expressed that they would not oppose the use of the 4940-4950 MHz band for aeronautical mobile purposes as long as there were sufficient protections against out-of-band and spurious emissions. LASD and MRC remain of the view that, with appropriate conditions, the remainder of the band also should be made available for aeronautical mobile uses in order to assist public safety organizations in fulfilling their key functions.

To demonstrate the distances between the major population centers where aeronautical mobile use of the 4.9 GHz spectrum would likely be most prevalent and U.S. radio astronomy sites, MRC provided the attendees with a set of maps plotting the locations of U.S. radio astronomy sites and depicting the general absence of high population areas lying within 50-mile and 80-mile radii extending from such sites. The parties believe that this data, together with other available data, supports the position that the needs of both the public safety community and the radio astronomy community can be accommodated within the 4.9 GHz band. A set of the maps is attached to this Notice.

This Notice is being filed pursuant to Section 1.1206 of the Commission's Rules and Regulations, 47 C.F.R. § 1.1206. If there are any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

/s/ Todd D. Rosenberg

Todd D. Rosenberg
for O'Melveny & Myers LLP

Counsel to Los Angeles County Sheriff's
Department

Attachments

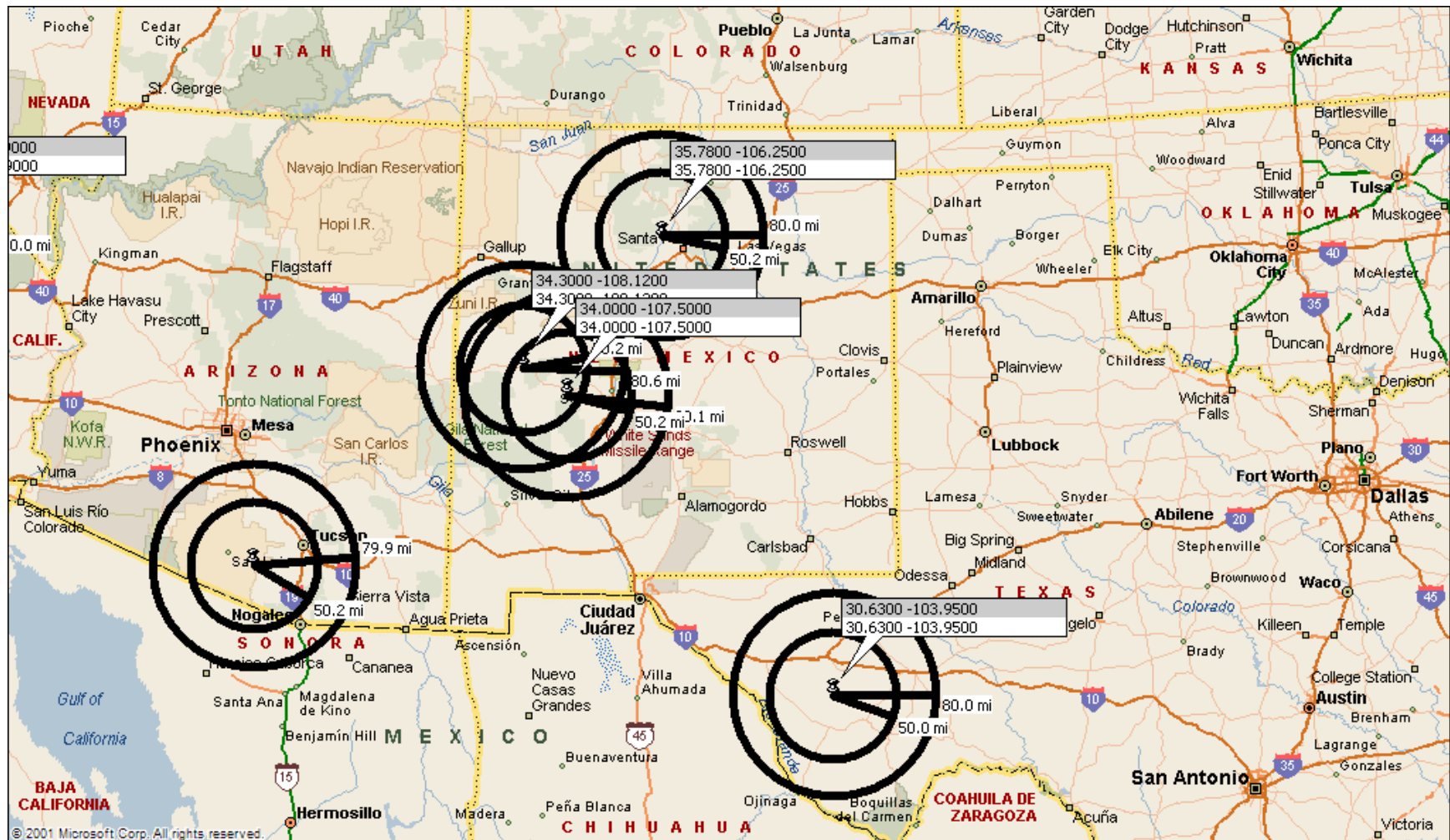
cc: Genevieve E. Augustin, Esq.
Guy N. Benson, Esq.
John J. Borkowski, Esq.
Timothy C. McGuire
Gerardo J. Mejia
Edward B. Ryder
Scott Stone
Jeffrey A. Krauss, PH.D.
Lt. Gerald Cooper, LASD

Radio Astronomy Observatories at 4995 MHz

North Central US



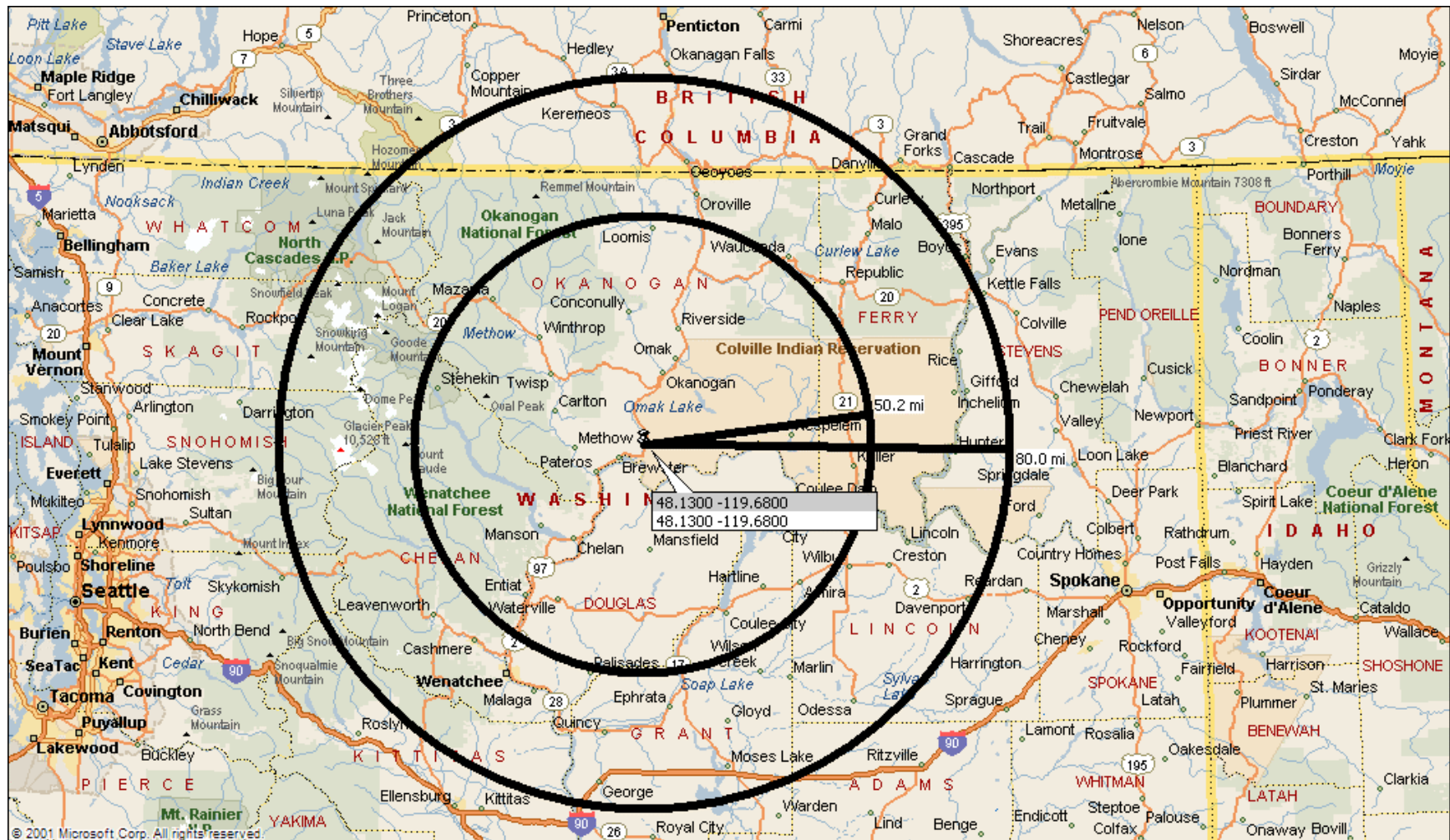
Southwest US



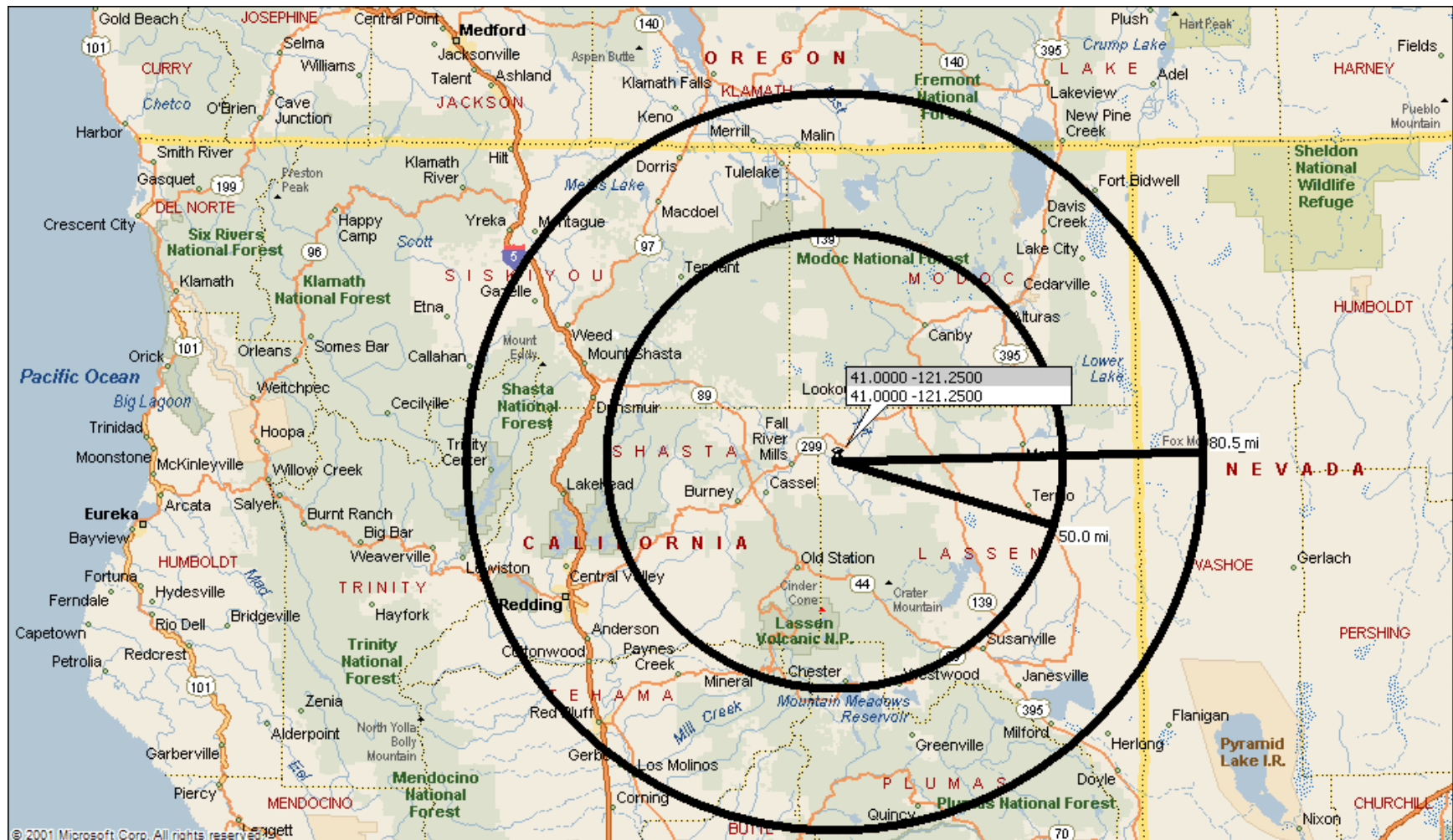
California



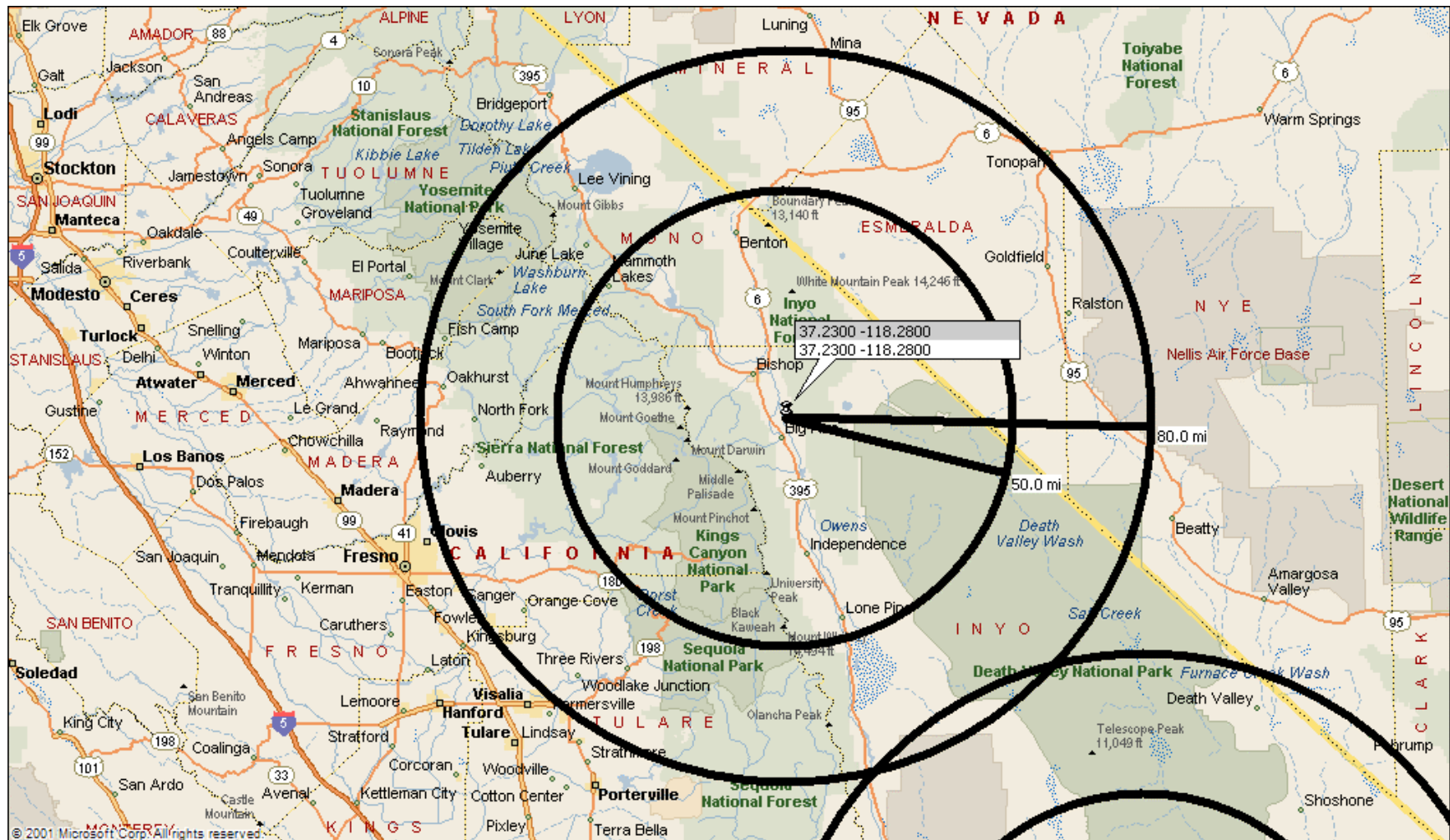
Brewster WA



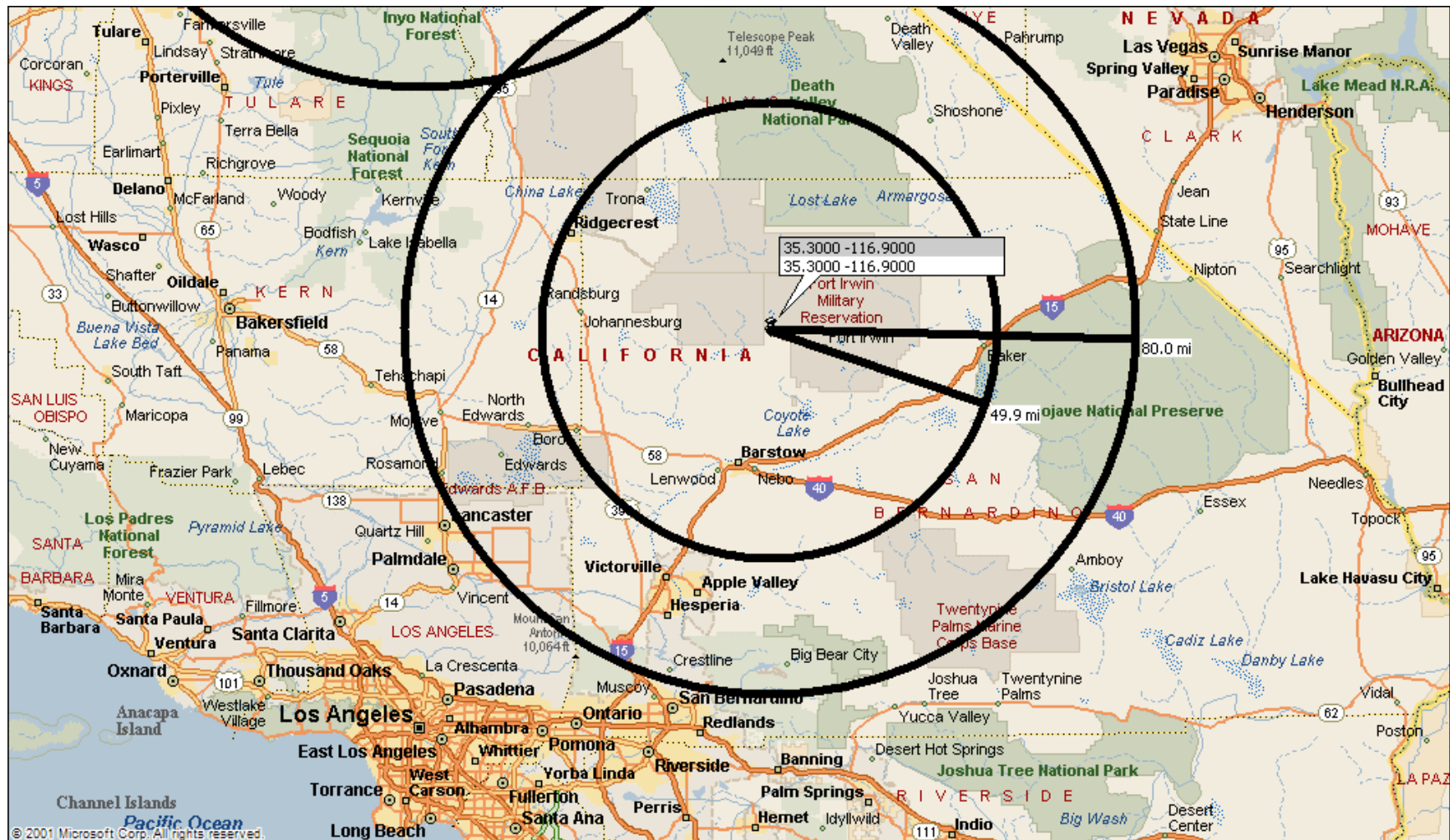
Hat Creek, CA



Owens Valley CA



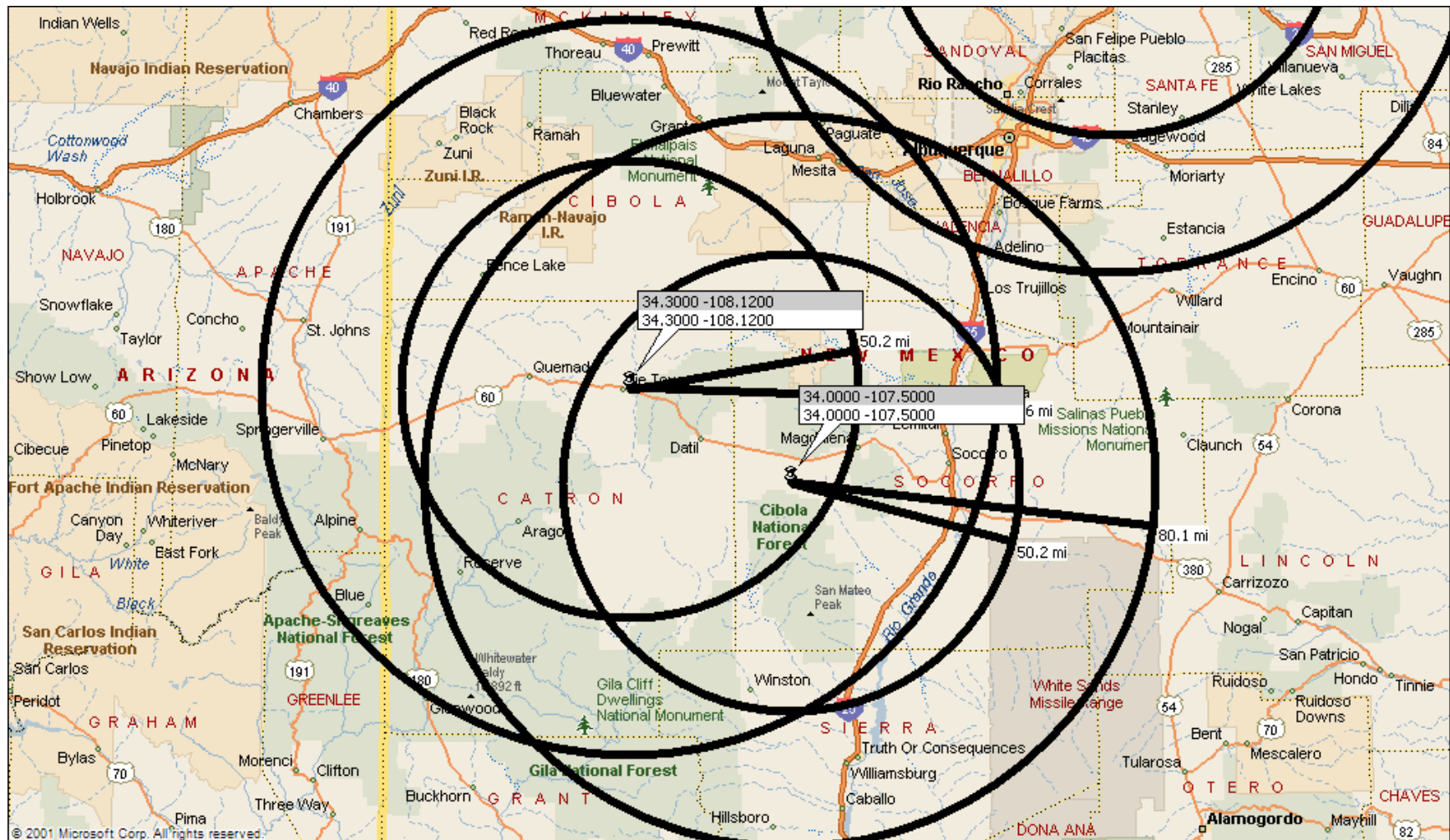
Goldstone CA



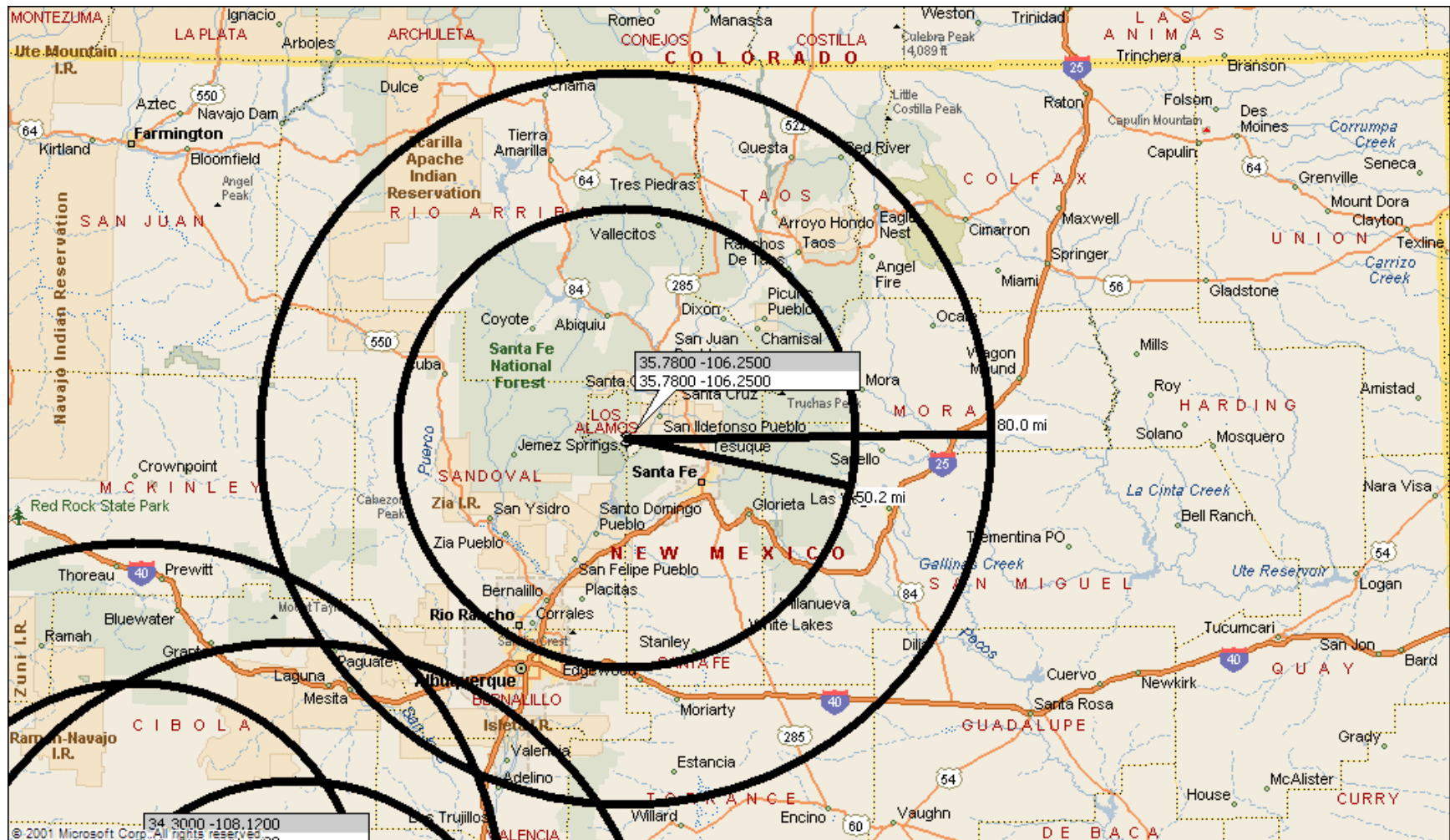
Kitt Peak AZ



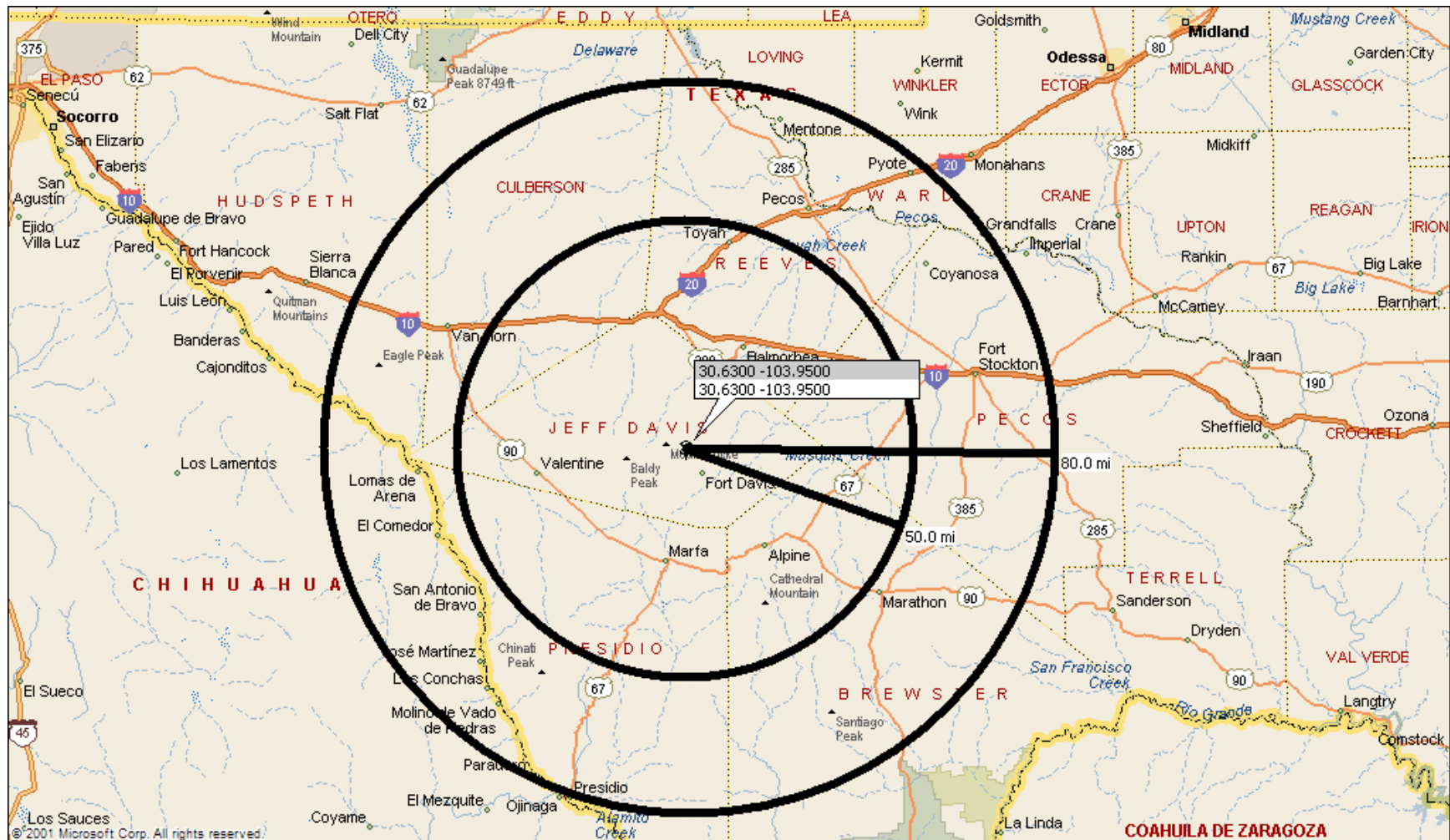
Socorro & Pie Town NM



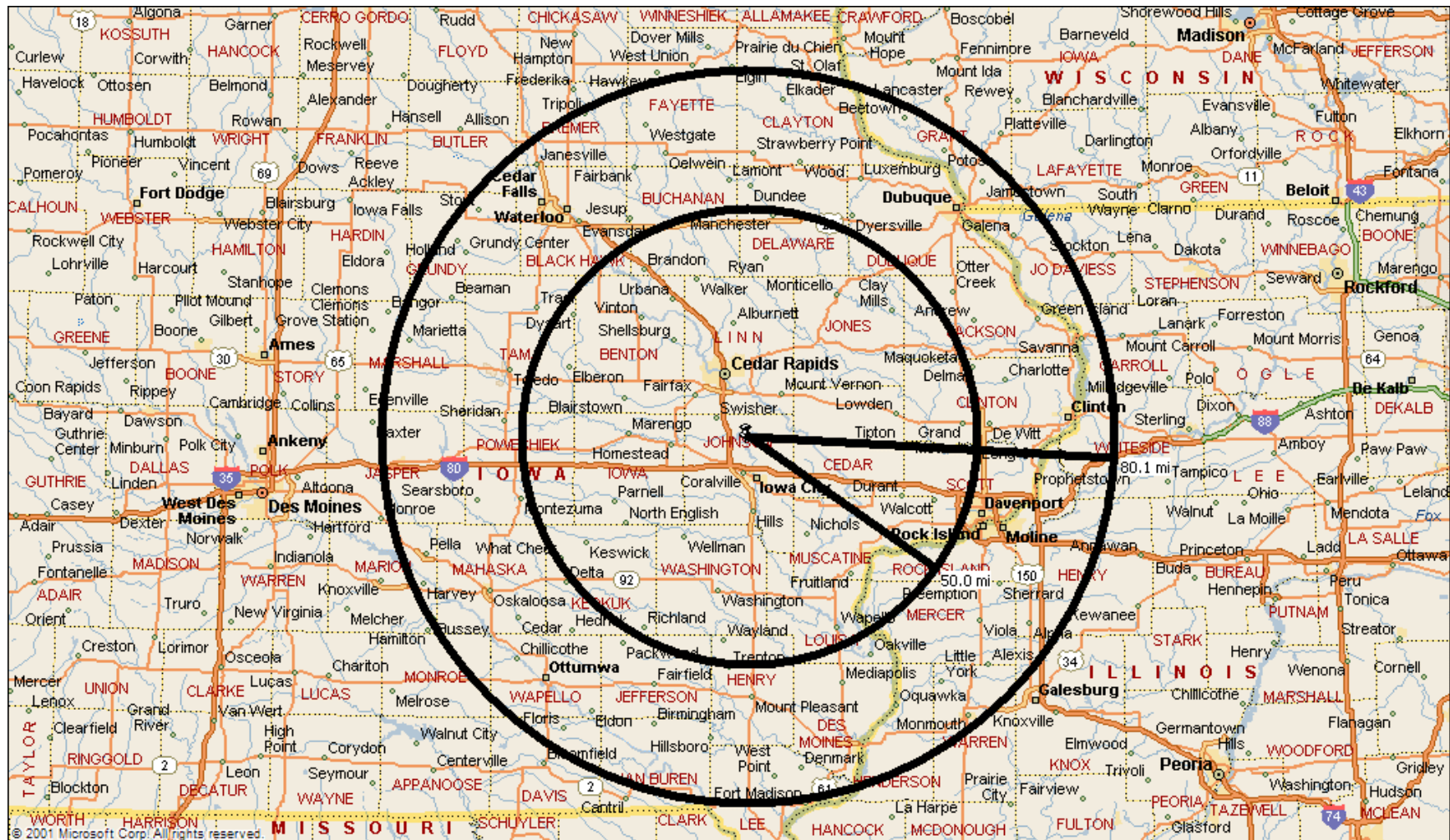
Los Alamos NM



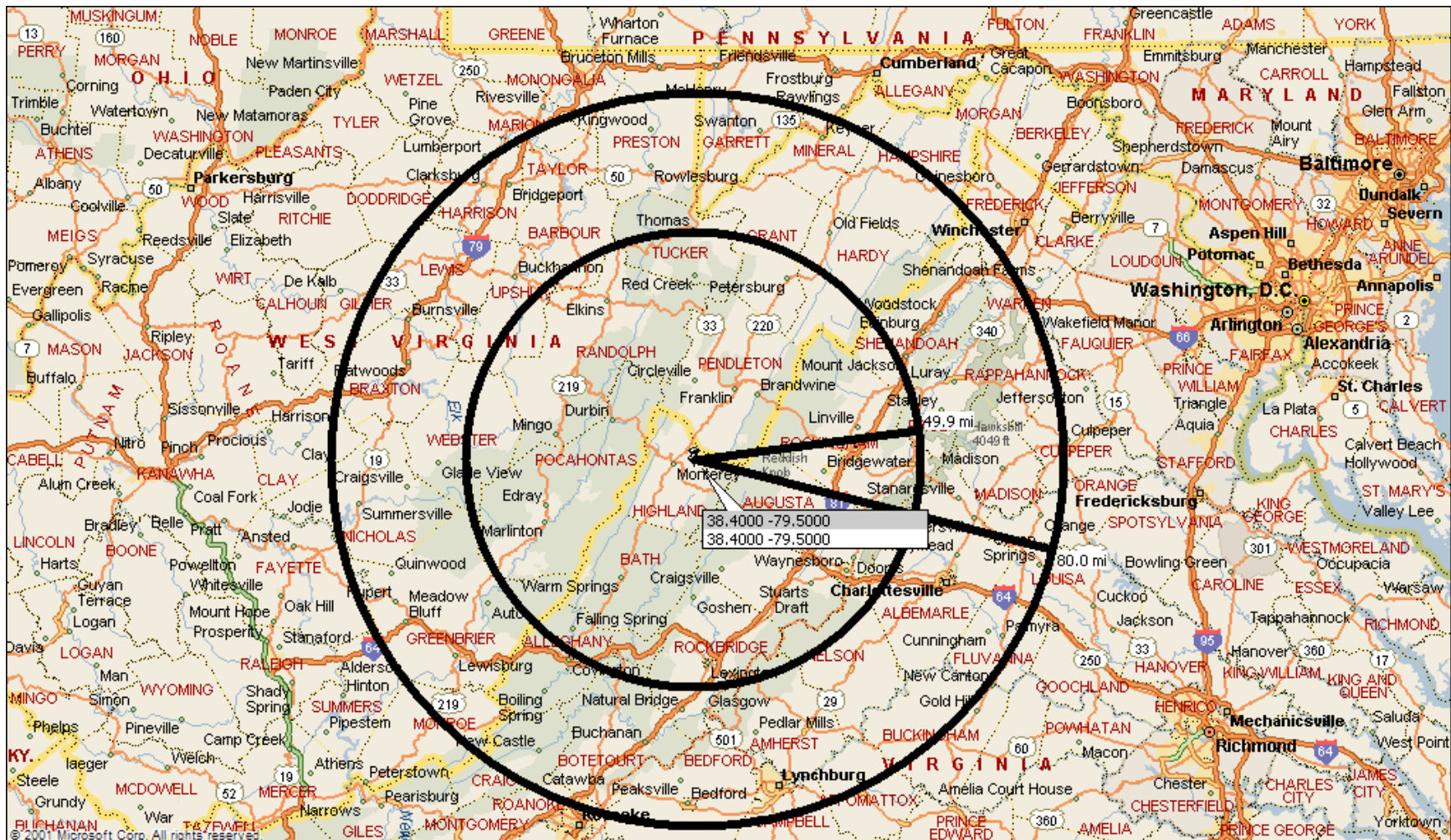
Fort Davis TX



North Liberty IA



Green Bank WV



Hancock NH

